THE VIRGINIA GAZETTE, & GENERAL ADVERTISER

RICHMOND:—PRINTED (EVERY WEDNESDAY AND SATURDAY) BY AUGUSTINE DAVIS, AT FOUR DOLLARS PER ANNUM—PAID IN ADVANCE.

NUMBER 1067.] SATURDAY, JANUARY 8, 1803. [VOLUME XVII.

THIRD NOTICE

In the case of *Joseph Anthony*,

A BANKRUPT.

WHEREAS a commission of bankruptcy founded upon the act of the Congress of the United States, passed on the 4th day of April, 1800, entitled, "An act to establish an uniform system of bankruptcy throughout the United States," hath been awarded and issued forth against Joseph Anthony, late merchant of the city of Richmond, but now of the county of Henrico, and he having been declared a bankrupt, is hereby required to surrender himself to the commissioners in the said commission named, or a major part of them, on Saturday the 18th and on Friday the 24th days of this present month (December) and on Tuesday the 25th day of January, 1803, at the commissioners office in the city of Richmond, at 10 o'clock in the forenoon of each day, and make a full discovery and disclosure of his estate and effects; when and where the creditors are to come prepared to prove their debts; and at the second sitting to choose an assignee or assignees of the said bankrupt's estate and effects, and at the last sitting the said bankrupt is desired to finish his examination; and the creditors are to assent to or dissent from the allowance of his certificate. All persons indebted to the said bankrupt, or that have any of his effects in their hands, are not to pay or deliver the same but to whom the commissioners shall appoint.

ROBERT BROOKE,
Secretary to the commissioners.
Richmond, Dec. 10, 1802.

Mrs. Davidson

Respectfully informs the ladies of Richmond, Manchester, and their vicinities, that she has just received from New-York and Philadelphia, a general assortment of

Millenery,

Of the most approved fashions; suitable for the season:—Also, a small assortment of fashionable

Dry Goods;

CONSISTING of Cotton-Cambricks, India Muslin, Calicoes, Silk and Cotton Hose, Silk and Kid Gloves, Shoes, &c. all of which she will dispose of on very reasonable terms for cash.

N. B. Ladies' Wigs and Frizetts, and fashionable Pattern Dresses.

Richmond, December 14, 1802.

TO BE RENTED,

And possession given immediately,

A STABLE,

Near the Basin,

HAVING two apartments, and sufficiently large to hold six horses. Enquire of the Printer of this paper.

Dec. 28th, 1802.

Charles Irving's Estate.

THE Estate of Charles Irving, dec'd. and all power over the same, having been lately committed to the subscribers, by an order of Albemarle court, notice is hereby given, to all whom it may concern, that they have employed William H. Cabell, attorney at law, to transact all the business of the said estate. He alone is authorized to receive payment of debts due to the said estate, to make sales or contracts, or to do any act obligatory upon the said estate. All persons having claims against the estate, are requested to make them known to the said Wm. H. Cabell. Letters addressed to him in Richmond, during the months of December and January next, and afterwards in Warminster, Amherst county, will be duly attended to.

Nicholas Cabell.
William Hughs.

Nov. 25, 1802.

Mr. James Worrell

Presents his respectful compliments to his patrons in Richmond and its vicinity, and begs to apologize for having delayed longer than heretofore, the opening of his

Dancing School.

HIS other engagements, from their great increase, have prevented his paying his respects sooner. He has now the pleasure to inform them that he intends to commence his teaching on Friday the 7th of January, 1803, at the former place,

Dec. 13, 1802. tf

Will be Sold,

At twelve months credit, on the 11th day of January next,

All the ESTATE,

(Negroes excepted,) of the late William Norvell, dec'd. of James City county.

THE Sale will be at the late dwelling house of the decedent, and will continue from day to day until all is sold. The real estate consists of three plantations, with a mill annexed to one of them. The first, his mansion plantation, contains about four hundred acres, more or less, and has a good dwelling house thereon, with six rooms and a passage; all necessary out houses and a good garden. The second, an Island on Chickahomany, contains four or five hundred acres, more or less, with an overseer's house and necessary houses for a farmer. The last contains one hundred acres, more or less, with an excellent, well accustomed Grist Mill, just rebuilt of the best timber; she works two pair of stones, one for wheat and the other for corn. A Cotton Machine has been erected in the mill, from which considerable profit is derived. It is deemed unnecessary to give a minute description of these lands; it will only be said that they are as fertile as the lands in the neighborhood, and that Mr. Spencer and Mr. Allen, living on the premises, will shew them to any person disposed to view them. The personal estate is a considerable one, consisting of Horses, Cattle, Sheep, Hogs, Household and Kitchen Furniture, Plantation Utensils, a good Chariot, and a variety of other articles, too tedious to mention.

At the same time will be hired out, about fourteen likely NEGROES, from 17 to 22 years of age.

By the Will of Mr. Norvell, about 50 of his Negroes are directed to be bound out. Those who wish to take any of them, are requested to apply to the subscriber. Bond, with approved security, will be required of the purchasers, by

WM. LIGHTFOOT, *Ex'or.*

James City, Dec. 16, 1802.

SEEDS.

Minton Collins

Respectfully informs his Friends and the Public, that he has just received, per the ship Shepherdess, from London, a fresh assortment of

GARDEN SEEDS:

He has likewise received from Philadelphia, an assortment of

GRASS SEEDS,

Which are warranted to be of the last Summer's growth, and may be had at his Original Seed Store, for Ready Money only—

VIZ:

RED and white clover Seed.	Early and late York Cabbage.
Trefoile, or yellow do.	Early and late sugar loaf do.
Lucern and timothy do.	Green and yellow Savoy do.
Burnet and ryegrass do.	Large white Scotch do.
Saintfoine and burden grass do.	Large white winter do.
Furze or whin seed,	Flat Dutch & Madeira do.
Spring tares or vetches,	Red Dutch, to pickle.
Hemp, flax and rape Seed.	Brussells Sprouts & Borecoli.
Canary and spinage do.	Early and late Battersea Cabbage.
White and brown mustard,	Early and late Cauliflower.
Early frame, charlton and hotspur Peas.	Purple, green and white Brocoli.
Dwarf, marrowfat, Spanish morratto, glory of England, and blue Prussian Peas.	Large red & orange Carrot.
	Salsafie and Nasturtion.
	Large Parsnip.
Large windsor, long pod, riga & snap Beans.	Madeira and silver Onion.
	Large London leek.
Large Norfolk, and summer Turnips.	Green and white Asparagus.
Salmon, white turnip & large black radish Seed.	White curl'd Indive
	Large Cabbage and Roman Lettuce.
Blood red Beet and solid Celery.	Brown Dutch, and grand admiral lettuce.
Early and late Cucumber.	Green and white Cos's Lettuce.
Cresses and pepper Grass.	Ice Lettuce

WITH AN ASSORTMENT OF

Flower Seeds, painted Flower Pots and Pans, Jars and Beakers, in sets, for chimney ornaments; large red Garden Pots and Pans, and some blue and white Glass Flower Bottles. A Treatise on Gardening, by a native of this state.

Richmond, Dec. 30, 1802.

Wingfield Grammar School,

WILL be continued the ensuing year, under the direction of the subscriber. In this school it is proposed to teach Greek, Latin, and English grammatically; also, Geography and the use of the Globes, together with Arithmetic and Mathematics, in their various branches.

The price of board and tuition will be £.30 for the term, commencing the 15th of January next, and ending the 15th of December following, or £.28 for those under the age of 16 years.

No pupil, or boarder, will be considered as engaged for less than the term, nor will any be allowed to take part of two terms to make up one, unless by special contract under the hand of the subscriber.

Washing and fuel will be found the boarders, but not lodging.

Quarterly payments, in advance, will be required. PETER NELSON.

Hanover, Dec. 14, 1802. 1aw4w

FOR SALE,

Valuable Coal Mines.

By virtue of a deed of trust executed to me, bearing date the 5th February, 1800, to secure the payment of certain sums of money therein mentioned, to John Murchie, will be Sold, to the highest bidder, at the Swan Tavern, in Manchester, on the 15th Jan. next, precisely at 1 o'clock, P. M. Mr. William Robertson's

Coal Pits,

About twelve miles from Manchester,

CONTAINING about three acres, being almost an entire solid body of coal. Six hundred dollars will be required to be paid down, and the balance in two equal annual payments, to be secured by a deed of trust on the property, or such other security as shall be approved of.

Daniel Beasley, *Trustee.*

December 29th, 1802.

The subscriber will treat with any person, that may incline to purchase the above property, at private sale, (having respect to the objects of the trust deed.)—The works are now in complete order for immediate operation, being fixed with all necessary machinery, tools, &c. requisite for carrying them on. A large quantity of coal may be raised this present year, provided the works are properly carried on. Any person wishing to view the premises, will be shewn them by William Powers, living near them.

WILLIYM ROBERTSON.

Manchester, Jan. 3, 1803.

VIRGINIA:

By virtue of a decree of the High Court of chancery for the Richmond district, in the suit between

William Fleming Gaines, ex'or of Robert Page, and Robert Pollard, adm'r. of John White, Plaintiffs.

And

Elizabeth Braxton, George Braxton, Corbin Braxton, Carter Braxton, Taylor Broxton, William Fitzhugh Braxton, Anne Corbin Braxton, Ann Braxton and Elizabeth Braxton, of whom are infants, Defendents.

WILL BE SOLD,

To the highest bidder, for ready money, on Monday the 24th inst. at King-William courthouse,

4 or 5 Likely Negroes.

JAMES JOHNSON, } *Commissioners.*
BERNARD LIPSCOMB, }

January 6, 1803.

United States of America, fifth circuit Virginia District, November 22d, 1802.

Waller Overton, Plaintiff,
Against
Robert Honeymann, William Duval, Richard Overton, Mary Overton, Bath C. Lacy and Elizabeth his wife, formerly Elizabeth Overton, John Overton, Dabney Overton, William Overton, Sally or Sarah Overton, Defendants, } *In Chancery.*

THE defendants Richard Overton, Mary Overton, Bath C. Lacy and Elizabeth his wife, formerly Elizabeth Overton, John Overton, Dabney Overton, William Overton and Sally or Sarah Overton, not having entered their appearance and given security according to a rule of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this district, on the motion of the plaintiff, by his attorney, *It is ordered*, that the said defendants do appear here on the first day of the next term, and answer the plaintiff's bill; and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond, for two months successively, and posted up at the front door of the capitol in the said city.

A Copy—Teste,

JAMES BLAGROVE, D. C.

The public are respectfully notified, that the

UNION-TAVERN

AND

COFFEE-HOUSE,

LATE in the occupancy of Mr. William Booker, is still continued by Mrs. Booker, who would take to board, 15 or 20 gentlemen; and she begs leave to assure those who may please to call at this house, that every attention shall be given to afford them satisfaction, and as she still has the use of the same roomy and convenient STABLE, lately attached to this house, and has provided an attentive ostler, she hopes to receive that patronage, to which her exertions and accommodation shall be entitled.

Richmond, Jan. 1st, 1803. tf

For the VIRGINIA GAZETTE.

3d January, 1803.

Mr. Davis,

I DO not profess myself to be an admirer of Mr. Jefferson; but a regard for truth, ever has, and ever will, restrain me from heaping on Mr. Jefferson, or any other man, *undeserved odium*—so far otherwise would I act, that if the bitterest enemy I have on earth, was *defamed*, I would not only discountenance the defamation, but would rescue his character from false aspersions if it were in my power.

Mr. Jefferson has been charged with entertaining sentiments similar to those held by a majority of Congress at the last session, with respect to the repeal of the Judiciary Law; and the turning out of office sixteen judges who held their offices during good behaviour—Calumny has not stopt here; he has been charged with concurring in opinion with Mr. Breckenridge, and perhaps with a majority of both houses of Congress, that it is absurd to suppose, that the judicial power in any government should be a check on the legislative; or, in other words, that courts should have power to declare a legislative act, unconstitutional and void. The following extract from a letter written by Mr. Jefferson to Mr. Wythe, (the judge of the court of chancery) in the year 1776, will, I think, convince every unprejudiced mind, that Mr. Jefferson never could have countenanced the opinion, that a judge who was commissioned to hold his office *during good behaviour*, could be turned out of office but from *misbehaviour*; or, that it was absurd to suppose that the judicial power should be a check on the legislative. It appears from the first paragraph of Mr. Jefferson's letter, that it was written in reply to one received by him from Mr. Wythe, requesting Mr. Jefferson to sketch out a plan of Government or Constitution for Virginia.

I hope, Mr. Davis, that you will not hesitate to admit this vindication of Mr. Jefferson into your useful and impartial paper; for however he may differ from you and myself on some political questions; yet he ought not to be *calumniated* by being charged with countenancing opinions, so *hostile* to the constitution of the United States; so *fatal* to the independence of our judges; and so *dangerous* the liberties and safety of the people.

A. B.

THE EXTRACT.

"The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depend so much upon an upright and skilful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and *independent* upon both, that so it may be a *check* upon both, as both should be checks upon that. The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness and attention; their minds should not be *distracted with jarring interests*; they should not be *dependent upon any man, or body of men.* To these ends they should hold *estates for life* in their offices, or, in other words, their commissions should be *during good behaviour*, and their salaries ascertained and established by law.

"For *misbehaviour*, the grand inquest of the Colony, the House of Representatives, should impeach them before the Governor and Council, when they should have time and opportunity to make their defence, but *if convicted*, should be *removed* from their offices, and subjected to such other punishment as shall be thought proper."

The Virginia Gazette.

—RICHMOND—

SATURDAY, JANUARY 8, 1803.

The Case of Callender and Pace, before the Court of Henrico County, continued from our last.

After the Court met on Tuesday at ten o'clock, Mr. Marshall addressed them as counsel for Messrs. Callender and Pace.—He said that Mr. Hay in the commencement of his speech of yesterday, had stated two questions or points of law which remained to be discussed. These were—1st. Can editors of newspapers be bound to good behaviour in consequence of their public actions? And, 2d. Wherein the true exposition of the press consisted?—but that Mr. Hay had so soon departed from the consideration of the first point, that it might be said to have been afterwards lost in the memory of those present, and therefore merited hardly any reply from him.

Callender and Pace, he said, were called by Mr. Hay men of bad fame; but, abstracting on the present occasion the idea of the Recorder, wherein, he asked the court, did the bad fame of Callender and Pace consist? "Callender & Pace are not men of bad fame. None of these acts which constitute bad fame can be applied to them. They are not loiterers or gamblers; they neither sleep in the day or prowl at night; they employ themselves as industrious members of society. Not a single allegation can be brought against their characters, independent of the Recorder. Callender is a citizen of the United States, and I trust he is entitled to receive the same justice in this court, or any other court, to which other citizens are entitled. With respect to the Recorder, it is a paper which has one of the largest circulations of any in the Union. Perhaps there was never an instance of a paper having such an extensive patronage in as short a period. The subscribers to the Recorder exceed in number those of any other paper in Virginia. The most respectable characters in the United States receive the Recorder. This does not appear to me to argue, that Callender and Pace are men of bad fame. It carries with it a very different inference. We ought rather to conclude, that from the extensive circulation of the Recorder, and the respectability of the subscribers to that paper, that the editors are men of good fame. This is certainly a more natural conclusion. But how have the editors of the Recorder been proved to be libellers? The mere assertion of Mr. Hay does not make them libellers. Because some sentiments have appeared in the Recorder which have wounded the feelings of Mr. Hay, it does not hence follow that Callender and Pace are libellers. No man can be said to be a libeller, unless he has been regularly found by a jury of twelve of his peers to be such.

Mr. Marshall then said he would confine his arguments in the present case to three points:—1st. The proper interpretation of the statute 34th of Edward IIId. 2d. The right of trial by jury. And 3d. The security given to the liberty of the press by the bill of rights.

"The statute 34th of Edward IIId. (said Mr. Marshall) was enacted at a period the most unfriendly to freedom. It was enacted at the instigation of a prince, after returning to his country loaded with the laurels of victory, and at the head of a numerous army flushed with success, and who had been disused for years to the ordinary habits of life. In a period such as that, there might have been a necessity for such a statute. What could be expected in an age of barbarism, from troops who knew no controul but that of military discipline, and who were accustomed to acknowledge no authority but the voice of their commander? Licentiousness, disorder, and every species of profligacy, might be expected to arise at the dismissal of such an army, unless the laws of the land imposed some salutary restraint on their habits. This statute was therefore, enacted, for the express purpose of restraining the licentious manners of Barbarian soldiers turned loose on society. It was not framed in an age such as the present; nor by a people civilized as either Britons or Americans now are. The intention of it was not to restrain the press; the press at that period was in a manner unknown. It was intended to guard the peaceful and industrious citizen from the

violence and rapine of the ruffian and wandering idler. I trust there is not a single individual who will compare the age of Edward the IIId. with the present, or the dissolute habits of a Barbarian army, only accustomed to rapine and pillage, with the civilized and domestic manners of the citizens of this country. The statute of the estate of Virginia cannot therefore bear the same interpretation with that of the 34th of Edward the IIId. even upon the supposition that it was intended to restrain the freedom of the press, the circumstances under which these two statutes were enacted being so different and dissimilar to each other. But the statute 34th of Edward the IIId. I maintain, and hope will be able to prove to the satisfaction of this court, was never intended to act as a restraint upon the liberty of the press, or to give authority to magistrates or justices to bind over libellers to keep the peace before conviction, after a trial by a jury of twelve of their peers."

The best and soundest interpretation of this statute is to be obtained from Coke. He wrote in the reign of Elizabeth, and is therefore the earliest lawyer who has given an opinion on this subject; at least I have been able to find no interpretation given of it previous to Lord Chief Justice Coke. The judgment and talents of this man are well known. His opinions have always been, and probably will ever continue to be, regarded as the first authority. They are esteemed as such in the English courts, and in the courts of America. His opinion, therefore, on the proper interpretation of the statute 34th of Edward the IIId. ought to carry much more weight with it than the sentiments of latter writers. Living in an age, the manners and habits of which were nearly the same with those in the reign of Edward the IIId. he was much better fitted to judge of the true spirit of the statute and of the real intention of the framers of it, than men living centuries after; when the modes of life were so very different, and the causes which gave rise to it were unknown or no longer existed" Mr. Marshall then read Coke on the interpretation which ought to be given to this statute, which went to prove that libellers were not included in the description of those characters that be not of good fame. He also read those passages of Blackstone, which have been already transcribed into the Virginia Gazette, from which he contended that persons not of good fame and whom justices are authorized to bind over to keep the peace, are men who are suspected will do some act that may be a breach of the peace, such as assault and battery, or injury to property. Blackstone, (Mr. Marshall said) expressly declares, that no previous restraint can be laid upon the liberty of the press, in any shape or manner whatever.

Mr. Marshall next requested the attention of the court to the sentiments which Burn expressed on this subject. Burn, Mr. Hay had remarked, ought not to be advanced as authority from the respectability which he held as a writer, but solely from the several authorities which were quoted in his Justice. The correctness of this observation, Mr. Marshall denied. Burn, he said, was quoted as authority by the first lawyers. He instanced Hawkins and several others. Burn's opinions on this point ought, therefore, and are justly entitled to the same credit as Blackstone. He read several passages from Burn, which condemned the large latitude that was sometimes given to the interpretation of this statute; and from which it appeared that Burn's own sentiments were, that libellers could not be subjected to the authority of the statute 34th of Edward the IIId.

Mr. Marshall then proceeded to the consideration of the 3d point, the right of a trial by jury, which he mentioned would be invaded if the doctrine advanced by Mr. Hay were sustained.

To prove this, he called the attention of the court to the celebrated case of Mr. Wilkes related in Wilson's Reports. Mr. Wilkes it is well known, was arrested for the publication of an infamous libel called the North Briton and another termed an Essay on Women. Although the case was not precisely similar to the present, yet Mr. Marshall insisted the arguments of the judge on that occasion expressly contradicted the doctrine which Mr. Hay and his counsel pretended to support. The judge before whom the legality of the warrant upon which Wilkes was arrested came to be tried; declared that no member of the House of Commons could be arrested except for some felonious act or a breach of the peace, *that a libel was no breach of the peace, and that none could be either arrested, bound over, or even compelled to give bail for a libel until after conviction by a jury.* Mr. Marshall said, that this case must therefore be decisive evidence in favour of those opinions for which he was now contending. That the doctrine which Mr. Hay supported, was a complete invasion of the trial by jury; and would act as the severest of restraints upon the liberty of the press. He told the court there were only two ways in which libels could be punished. These were by indictment and information. Those were the methods to which Mr Hay ought to have resorted, and not to have claimed the support of the court, in an act which was a total violation of the rights of Juries, and of the bill of rights.

So zealous were the citizens of Virginia, said Mr. Marshall, of preserving the rights of juries, that an act was made by the legislature for vesting the power of adjudging the amount of fines with the jury, and not with the court, which lay with the latter previous to the Revolution. Were the doctrine now contended for, found to be law, the pecuniary punishment for libels would be vested in a single magistrate, and of whatever extent the nature of the libel might be, from the most trivial to the most heinous, the at mount of the fine would remain the same. For the recognizance in which the suspected libeller was bound, would be forfeited, however trifling a falsehood he might propagate, with regard to private character; nothing could be more unfair or unjust than this, said Mr. Marshall, supposing Callender and Pace were to publish the most insignificant expression that would wound the feelings of Mr. Hay; a jury might find it libellous, but in place of Callender and Pace paying the trifling sum that would probably be imposed upon them by the jury, they would be compelled to pay the whole amount of the recognizance in which Pace was now bound. This was entirely transfering the power of juries to that of magistrates, and consequently was an invasion of the rights of juries. Mr. Hay had observed, that the administration of justice was too tardy in the case of libels; but surely this was no reason why Mr. Hay should resort to illegal measures, which those certainly were, which he now was contending for. Mr. Marshall said that Mr. Hay had not produced a single case applicable to the present question, except the solitary one from Fortescue, and that it had never come to be fairly tried, nor was the recognizance ever paid; but supposing it had, and that the British statute of Edward IIId. even authorised libellers to be bound over, that it could be of no force in this country, as being totally incompatible with the bill of rights, which secured to Virginians, in the compleatest manner, the freedom of the press.

Mr. Marshall also read to the court several paragraphs from De Lolme page 282, on the liberty of the press, to prove that by the law of England, no previous restraint could be put upon the press. Mr. Marshall observed, that Mr. Hay argued that no restraint would be laid upon the press; and that its liberty would not in the smallest degree be affected, although Callender and Pace were bound over; for that they were not prevented from publishing what they pleased more than before; that they had no licenser set upon their press; nor would any person have the power of dictating to them, what they should or what they should not publish. Mr. Marshall ably exposed the sophistry of their reasoning, for in whatever shape it could be viewed, he proved that it would act as a restraint upon the Editors of the Recorder. He disagreed from Mr. Hay in the definition which was given of the freedom of the press by him in Hortentius. He said that according to Mr. Hay's definition, private characters were sacred, nor would there be any possibility of knowing until it was too late, the merits of Candidates for the several public offices in the Union. He said that it was necessary for the preservation of morals, that a scrutiny into private character should be allowed, for otherwise the most unprincipled men might be elected to the most important trusts in the state. That by Mr Hay's definition, their vices could not be exposed until it was too late, and when it was unnecessary. He contended if ever the private conduct of individuals should be made public, it ought to be when they are private citizens of the state. By this means the good, the moral, and the religious might be separated from the wicked, and the unprincipled, and it would not then so probably happen that worthless characters could be elected, which if Mr. Hay's proposition was agreed to might frequently happen. Therefore hope said Mr. Marshall, the court will see the sophistry and dangerous tendency of Mr. Hay's doctrine, and discharge the prisoners, Callender & Pace.

Mr. Rind rose after Mr Marshall had finished, and delivered himself in a strain of the most impressive language which we ever heard. Although we shall endeavor to give the words of the principal arguments which he advanced as nearly as our memory serves us, yet we can but convey a very faint idea of the eloquence which he displayed on this most important occasion.

"After the very able reply which the court have heard, in opposition to the doctrine advanced by Mr. Hay, in his elegant declamation of yesterday; little, almost nothing, remains for me to say on that subject. As to the law of the case, this has been fully and satisfactorily stated by Mr. Marshall. Permit me, however, to make a few observations on the necessity of the preservation of the liberty of the press for the protection of those blessings which we now enjoy, and on the important question, whether the press, that great palladium of the rights of Americans, is to be free; or whether it is to yield and bow to the earth before the vindictive spirit of a single individual. In Britain, in Great Britain, that kingdom where monarchy, towering aloft, sways the iron rod of despotism over the head of the trembling citizen, and where aristocracy, stalking in the grim and sullen pride of tyranny, holds in subjection the inoffensive and industrious labourer: In that kingdom, I say, were a measure such as the present, sought for, much less executed, the daring agent in the business would atone for his rashness in a manner that would awfully display the danger, and the inevitable fate, that must always await those who dare trample upon the sacred sanctuary of the press. Immediate destruction would be hurled on his head, and the curses of his country would be the sole mourners of his death. Indeed I am astonished that this has not been the fortune of the person now soliciting the court to enchain the press. Is it possible that here, where liberty truly exists;—where freedom flourishes, and where no voice is known but that of liberty; is it possible, I say, that it should be seriously proposed, nay almost commanded, that the press should receive those fetters, which terror alone produces and tyranny inflicts? But, please the court, by whom is this extraordinary, and I will affirm, unwarrantable proposition made? By a man enveloped in the cloud of passion, and eager to gratify his vengeance.—By a man who, not three years since, appeared as the champion of liberty, zealous to protect from the impure touch of aristocracy, that venerable fabric which he now seeks to destroy! Where then was the bad fame of Callender—of that Callender at whose name, we are now told, that humanity shudders, and justice frowns with indignation? But let me tell that gentleman, the then advocate of Callender, that at an encroachment on the press, liberty indeed, frowns terrible indignation on those who attack her sacred palladium." Mr. Hay then interrupted Mr. Rind, and said he did not appear in 1798 the advocate of Callender, but to defend the freedom of the press. "And so do I, now," replied Mr. Rind. "I do not come here as the advocate of Callender alone; I come here to ward off from the sacred guardian of our rights, those dangers which at present threaten it; and I say again, by that man, by Mr. Hay, who in 1798 appeared as I now do, to defend Callender and to defend the press. Callender and the freedom of the press were then inseparable; they are now inseparable. But I ask Mr. Hay where then was the bad fame of Callender? where then was his notorious infamy? although at that period he was truly a libeller; although he poured torrents of slander and darted calumny in its bitterest form against the actions of the immortal Washington!—Mr. Hay was silent. His tender feelings were not wounded. He did not on that occasion come forward, as he now does, to complain of Callender; he did not then solicit this court to bind up Callender's hands, and prevent him from abusing the name of Washington, the father and saviour of this country; that sacred name which will be recorded, deeply recorded, in the heart of every American, when the names of Hay and Callender will be no longer remembered." Mr. Hay here again interrupted Mr. Rind, by saying that these words, although they might be true, yet they were not very polite; but the court ordered Mr. Rind to proceed. "Yes, calumny was then exhibited in its blackest form, indeed. But Mr. Hay was silent. Those feelings of his, which are roused at present to vindictive revenge, felt not the smart of Callender's pen, nor were they ruffled by the abuse, the wanton abuse, which was heaped on Washington. The foul pages of the Prospect before Us, and the polluted columns of the Examiner, which teemed with the Billingsgate of Callender, had not the smallest effect upon him." Mr. Rind, taking up the *Prospect before Us*, read the following passage: "*The following instance, out of many, shews in what way Mr. Washington transacted business.—On a question that was to come before the cabinet, he previously asked the opinion of Mr. Jefferson, and after hearing it, observed that his own sentiments had been the same;*" but by the bye, (remarked Mr. Rind) how Callender came by the information of this anecdote, is more than I know. "*When the council met, Hamilton and Knox voted, as usual, upon one side, and Jefferson on the other.* "*Gentlemen, I leave it to yourselves,*" *were the words of Mr. Washington; and the point was carried by the majority. The extravagant popularity possessed by this citizen, reflects the utmost ridicule on the discernment of America. He approved of the funding system, the assumption, the national bank, and, in contradiction to his own solemn promise, he authorized the robbery and ruin of the remnants of his own army.*" [Prospect before Us, part 1. page 17.] "Such then was the language," continued Mr Rind, "used by this same Callender when Mr. Hay appeared as his counsel; for I say again, Callender and the press were inseparable, and when Mr. Hay appeared to defend the press, he appeared for Callender.—They are now inseparable. Can Mr. Hay separate Callender from the press? No: like virgin delicacy, the press should be approached with reverential awe: like Cæsar's wife, it should not even be suspected; and he who would dare to say the press shall be restrained, should be doomed to instant destruction. It is not Callender Mr. Hay wishes to attack; it is the press. Had Callender and Pace not the command of a press; were they not the publishers of the Recorder, they would be regarded by Mr. Hay with contempt; they would be beneath his notice, nor would so much of the time of the court yesterday and to day have been occupied by Mr. Hay. It is the press he seeks to wreck his vengeance upon, & not Callender. I do not say that Mr. Hay does this intentionally; but if heated by passion and vindictive through revenge, he attacks the press, it amounts to the same purpose. He asks if Callender be a man of good fame. He says, is not Callender the object of universal execration? Is he not a notorious libeller? But I ask him, has he proved that Callender is a man of bad fame; has he proved it before a jury of his peers? No. Must Callender therefore be an object of universal execration; must Callender be a notorious libeller, because he has published a few observations which have displeased Mr. Hay; which have hurt the tenderness of his feelings? No. But the man who attacks the freedom of the press, ought indeed to be an object of universal execration. Must the boasted liberty of America and our glorious bill of rights give way and be laid aside to gratify the pleasure or the caprice of a single individual? God forbid! May that day never arrive, when it will be said that in Virginia, in that state where liberty first rose, arrayed in all her glory, that the passions of one man were able to defeat and to batter down the liberty of the press.

"Mr. Hay yesterday read to the court, the elegant definition of the liberty of the press, which he has given in Hortentius; but with all due deference to Mr. Hay, there are definitions of the liberty of the press which please me better. The definition which Blackstone has given, in my humble opinion, is superior. It admits of a much wider interpretation, and seems to convey a clearer idea of those extensive limits, that do not confine, but give full scope to the spirit of the press. "*The liberty of the press (says Blackstone) is indeed essential to the nature of a free state. but this consists in laying no previous restraints upon publications, and not in freedom, from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public: to forbid this, is to destroy the freedom of the press: but if he publishes what is improper, mischievous, or illegal, he must take the consequence of his own temerity.*" The sentiments of Junius on this subject also deserve notice, it has been lately reported, I do not know upon what authority, that the writer of Junius was the celebrated counsellor Dunning, an English lawyer of the first eminence justly distinguished for talents and legal knowledge, but whether the letters of Junius were written by Dunning or not, they will always be esteemed not only for the pure and chaste elegance of style which they exhibit, but for those opinions on liberty and the freedom of the press which they inculcate. Junius in his preface thus expresses himself "*good men, to whom alone I address myself, appears to me to consult their piety as little as their judgment and experience, when they admit the great and essential advantages accruing to society from the freedom of the press, yet indulge themselves in peevish or passionate exclamations against the abuses of it*" This (said Mr. Rind) I am afraid is too much the case with the gentlemen present." *Betraying an unreasonable expectation of benefits pure and entire from any human institution, they in effect arraign the goodness of Providence, and confess that they are dissatisfied with the common lot of humanity. In the present instance, they really create to their own minds, or greatly exaggerate the evil they complain of. The laws of England provide as effectually as any human laws can do for the protection of the subject, in his reputation, as well as in his person and property. If the characters of private men are insulted and injured, a double remedy is open to them, by action and indictment. If through indolence, false shame or indifference, they will not appeal to the laws of their country, they fail in their duty to society, and are unjust to themselves. If, from an unwarrantable distrust of the integrity of juries, they would wish to obtain justice by any mode of proceeding more summary than a trial by their peers, I do not scruple to affirm, that they are in effect greater enemies to themselves than to the libeller they prosecute.*" Here let me pause! Were ever this language of Junius applicable to any person, it is to that gentleman, who now solicits the court to depart from the usual and proper road of justice, and to adopt a mode more summary than a trial by jury in order to gratify his private feelings. To use the words of Junius, I do not scruple to affirm that Mr. Hay is a greater enemy to himself, than either to Callender or to Pace. He has said that the execrations of society follow the Editors of the Recorder; but I say, that the execrations of mankind will forever follow him; he has set out, and is now galloping on the high road to political perdition. He has told the court that the Recorder came out in mourning, and he expressed his wish, that it should mourn forever in sackcloth and ashes; but let him mourn forever; he shall mourn forever, nor will ever a ray of comfort repose in his breast, after this daring attack which he has made on the sacred Palladium of his country"

"This is not the cause of party, I belong to no party, I am not a federalist; I held in abhorrence the measures of the last administration, and I hold them still in abhorrence; I am not a democrat; the democrats say that I am a deserter from them, because I am not inclined to go the same lengths with them and to give my approbation to all their foolish schemes and fancies. There are many of the measures of the present administration, which I disapprove of, and shall always condemn. My country and the cause of freedom alone interest me; these shall always be the objects nearest my heart; and in defence of them I this day appear. For to use a forcible expression of Callender which with fear & trembling I now repeat, were that *damnatory* and *most blasting doctrine*, which Mr. Hay wishes to impose upon the court, sustained, the liberty of America and the freedom of the press would be gone forever. We would be sunk from that fair prospect which we now exhibit to the world, into a vale of dark and gloomy despotism, shaded with the clouds of prejudice and ignorance. The ambitious and the immoral would rise up over us, and the press, in place of exposing truth and detecting falsehood, would be made the instrument of the base and the worthless. I shall request the attention of the court again to the observations of Junius on this subject—*With regard to strictures upon the characters of men in office, and the measures of government, the case is a little different. A considerable latitude must be allowed in the discussion of public affairs, or the liberty of the press will be of no benefit to society. As the indulgence of private malice and personal slander should be checked and resisted by every legal means, so a constant examination into the characters and conduct of ministers and magistrates should be equally promoted and encouraged. They who conceive that our newspapers are no restraint upon bad men, or impediment to the execution of bad measures, know nothing of this country. In that state of abandoned servility and prostitution, to which the undue influence of the crown has reduced the other branches of the legislature, our ministers and magistrates have in reality little punishment to fear, and few difficulties to contend with beyond the censure of the press, and the spirit of resistance it excites among the people.*"

"In the letter which Junius addressed to Lord Mansfield, there are several pointed observations to the same purpose:—"*The doctrine you have constantly delivered in cases of libel (says Junius) is another powerful evidence of a settled plan to contract the legal power of juries, and to draw questions, inseparable from fact, within the arbitrium of the court. Here, my Lord, you have fortune on your side. When you invade the province of the jury in matter of libel, you in effect attack the liberty of the press, and with a single stroke wound two of your greatest enemies. In some instances you have succeeded, because jurymen are too often ignorant of their own rights, and too apt to be awed by the authority of a chief justice.*"

But there is no publication or no arguments which I can advance that shows the danger of restraining the liberty of the press more forcibly than the resolutions of the General Assembly of this State, which were drawn up by Mr. Madison. One of these resolutions contains the following terms:

"*That the General Assembly doth particularly protest against the palpable and alarming infractions of the constitution, in the two late cases of the "Alien and Sedition Laws," passed at the last session of Congress; the first of which exercises a power no where delegated to the federal government; and which by uniting legislative and judicial powers to those of executive, subverts the general principles of a free government, as well as the particular organization, and positive provisions of the federal constitution; and the other of which acts exercises in like manner, a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which more than any other, ought to produce universal alarm; because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.*"

Mr Hay certainly will not deny that Mr. Madison is authority, nor do I presume that he will dispute the sentiments of the American Envoys on this subject, who were sent to France by President Adams.—They have declared their opinion on the liberty of the press, enjoyed in this country in the most explicit manner, in their letter addressed to Talleyrand. "*The genious of the constitution (say Messrs. Pinckney, Marshall and Gerry) and the opinion of the people of the United States cannot be overruled by those who administer the government. Among those principles deemed sacred in America; among those sacred rights considered as forming the bulwark of their liberty, which the government contemplates with awful reverence and would approach only with the most cautious circumspection, there is no one, of which the importance is more deeply impressed on the public mind, than the liberty of the press. That this liberty is often carried to excess; that it has sometimes degenerated into licentiousness, is seen and lamented; but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is allied; perhaps it is a shoot which cannot be stripped from the stalk without wounding vitally the plant from which it is torn. However desirable those measures might be, which might correct without enslaving the press, they have never yet been devised in America. No regulations exist which enable the government to suppress whatever calumnies*

or invectives, any individual may chuse to offer to the public eye; or to punish such calumnies and invectives otherwise than by a legal prosecution in courts which are alike open to all who consider themselves injured."

Here again let me pause; the genius of the constitution and the opinions of the people of the United States (say the envoys) cannot be overruled by those who administer the government. But yet they are to be overruled by Mr. Hay. The feelings of this gentleman, it seems are of more consequence than either the genius of the constitution, or the opinions of the people. The envoys tell the French Minister that no regulations exist in America, which enable the government to suppress whatever calumnies or invectives any individual may chuse to offer to the public eye, or to punish such calumnies and invectives otherwise than by a legal prosecution. But Mr. Hay not only tells you otherwise, but commands a different procedure, and has in fact already contrary to the genius of our constitution and the bill of rights arrested the liberty of the press. A public printer at his request and to gratify his resentment lies at this moment within the walls of your jail. He told the court yesterday that the state of Virginia furnishes not an instance of oppression in a magistrate, but the other day proves the contrary. Mr. Hay asks where would be the mighty mischief if libellers were taken up; he says, there would be nothing but peace—yes, there would be a dead silent peace, like that which now governs the press under the first Consul. This would be the mournful state of the country, were his doctrine adopted. The only freedom which could be found in America would be within the walls of a jail. He tells us, that all the cry about the liberty of the press being invaded, comes from Callender, not so, though Callender were silent, and immured as he now is within the walls of a jail; the groans of the press would be heard through every state in the Union, yes, they would be heard, and echoed to, by every man, who feels the spirit of freedom, save Mr. Hay and his counsel. The court now hears them; I know they hear them; and every individual present, but that unhappy man whom passion and vindictive revenge have blinded and hurried him to commit a deed for which he will ever bitterly lament. I have said that the execrations of mankind will follow him; yes they will follow him, and even pursue his memory, unless he will retract, and convinced of his error, make the fullest and most ample apology for his conduct, but alas! this I despair of; for he has told the court, that he never would be convinced, but that he was acting properly; I know that he will never be convinced. I know his passion and his revenge are such as will for ever shut his ears to the voice of reason.'

"Mr Hay has told the court that nothing incompatible with the bill of rights or institution can exist here; so say I. But Mr. Hay has done an action which he now orders the court to approve of; directly in opposition to the constitution, and in the face of the bill of rights. He has thrown a public printer into jail, whom he charges as a libeller because this printer published some observations that wounded his feelings. He says a man has no right to publish a libel, but I maintain, that every man may publish what he pleases libel or not libel, taking the consequences of it. The court know this, all present know it. The voice of my country is with me. The press shall not be approached.'

"Mr. Hay yesterday, in the most eloquent language, offered up a prayer for the liberty of the press. He told the court that a printer had a right to print or publish what he pleased, respecting public men and public measures, with impunity. That he even had a right, if I am not mistaken, to calumniate the government and the officers of government; but that he could publish nothing respecting private character or the affairs of private individuals. But pray, is not Mr. Hay a public man? Is not Mr Giles a public man? and has not Callender been thrown into jail for no other avowed reason but that of attacking the conduct of Mr. Hay? Has not Mr. Hay therefore, even according to his own definition of the liberty of the press, invaded its sacred rights, and is now desirous that the court should do the same? But I know they will not obey him. I know the good sense of this court sees the impropriety of Mr. Hay's application. I know that they will support and protect the liberty of the press, and that they will discharge Callender and Pace, who are now prisoners. I pronounce sentence for them.

"I have now little more to add than to make a few observations on those cases which have been offered in support of the unlimited freedom of the press, and the illegality of laying any previous restraint whatever upon it.

"I have said that in England, where monarchy and aristocracy bear such an exalted sway, that a measure such as that contended for by Mr. Hay, would be treated with scorn and derision. We only ask that the same freedom of the press may be here allowed, which prevails in that country. The celebrated and well known case of Mr. Wilkes has been related to the court. Lord Chief Justice Pratt, afterwards created Lord Camden, declared on that occasion, that the privilege of parliament was violated in the person of Mr. Wilkes; for the privilege of parliament could only be forfeited by *treason, felony*, or *breach of the peace*; but Mr. Wilkes stood accused only of *writing a libel, which did not come within* that description. Precisely in the same situation stands Mr. Callender. He is only accused of writing a libel, which by the first judge in Great Britain was regarded no breach of the peace.

"The case of the printers Wheble and Thomson, which was mentioned to the magistrates who committed Callender to jail, is a striking instance of the freedom which was allowed to the press in Great Britain. It had been long a subject of complaint, that the speeches of the members of the house of commons were regularly printed in the public papers, in contempt of the resolution of the house; and several members having stated that their speeches had been entirely misrepresented, a motion was made and carried, that the printers Wheble & Thomson should appear & answer this complaint at the bar of the house. The printers taking no notice of this general summons, a second order was issued and declared to be final. No more regard being paid to the second order than to the first, a motion was made that Wheble and Thomson should be taken into the custody of the sergeant at arms. But in consequence of information that the parties had absconded, a royal proclamation was issued, offering a reward of 50l. for apprehending the two printers.—Wheble being apprehended in consequence of the proclamation, was carried before Mr. Wilkes, one of the aldermen of London, but he was not only discharged by that magistrate, but bound over to prosecute the person who apprehended him. Thomson was also apprehended and discharged in the same manner.—Miller, another printer, being taken into custody by the messenger of the house of commons, at his own dwelling, was carried before the Lord Mayor, Brass Crosby, and the aldermen Wilkes and Oliver. The sergeant at arms attending to demand the prisoner, the legality of the warrant was denied, and the printer not only discharged, but the messenger of the house, on pretext of a false arrest, ordered to be commited to prison in default of bail, which was at the first refused, but at length reluctantly given. Such was the case in England in consequence of a false arrest; and I do not know but before this matter terminates, the magistrates of Henrico county, who committed Callender to jail, may be in the same predicament with the serjeant at arms.

"What precedents has Mr. Hay laid before the court in opposition to these? None but one solitary instance from the musty folio volume of Fortescue, which the Chief Justice of England afterwards declared to be illegal.—No, not from the huge pile of English law which he in exulting triumph has brought hither, has been able to produce a single precedent to warrant that unwarrantable restraint upon the freedom of the press which he now solicits the court to inflict. But supposing he had! Supposing he had found, in perusing the musty pages of these musty volumes, precedent upon precedent in support of that blasting doctrine for which he now contends; what would they avail? would they have weighed with the judgment of this court more than our bill of rights? would they have had the effect to batter down the sacred palladium of the State of Virginia, and of the United States? No! Not all the volumes of English law which he has brought forward or will bring forward, aided by the elegance of his declamation, will produce that melancholy effect.—Sophistry when urged against liberty and the freedom of the press, will never influence the minds of Virginians; not all the sophistry of Mr. Hay and his Counsel. Callender and Pace shall be discharged, and the press shall be free."

The reply of Mr. M'Rae and Mr. Hay, will be given in our next.

JOHN TAYLOR,
OF CAROLINE.

This gentleman has lately declared, that if there be any law now in force in this commonwealth, authorizing such measures as those lately pursued and urged by George Hay, against Pace and Callender, (which he denies) the present legislature ought never to go home until it should be repealed.

We understand a few sentences in Mr. Hay's speech were misrepresented, respecting that part which alluded to the trial of Callender in 1800. As soon as we are furnished with the precise words in which Mr. Hay expressed himself upon that point, we shall take pleasure in correcting the error.

Interesting.

Extract of a letter from a Gentleman in London, to his friend in this city, dated Oct. 24, 1802.

"It is now universally believed, and is confirmed to me by a particular friend, just arrived from France, that she is going to take immediate possession of Louisiana. M. L'Aussatt is appointed Colonial Prefect; Jean Job Ayme, Commissaire de Justice, and General Victor goes out with 4000 troops.

"M. L'Aussatt had taken leave, and had an interview with Mr. Livingston, our minister, on the occasion.' *Phil. Gazette.*

We have heard, in a very direct and credible manner, of an opinion expressed by Mr Jefferson. We shall state it, without vouching for its correctness,

It is said, that in a conversation at his table, the character and conduct of Bonaparte being the theme, Mr. Jefferson expressed himself to this effect: That the First Consul evinced an unbounded ambition, incompatible with the liberty and tranquility of the world: That Great Britain was the only power likely to oppose his projects with success; and that he should not be surprised if it became the policy of the United States to coalesce with her in resisting his inordinate rage for dominion.

Beside the respectability of the source from which this statement is received, the reasonableness of the idea itself, strengthens our disposition to give it credit. It is true, that until very lately, Mr. Jefferson, and that party of which he is chief, have, both in their declarations and conduct, evinced a *dangerous leaning* towards the interests of France, with a hateful opposition to every thing English. But Mr. Jefferson would indeed be a despicable politician, as well as basely indifferent to the honor of his country and the peace of the world, were he, in the face of the late proceedings of France, to persist in a partiality of this kind. He would equally shut his eyes to conviction, did he not perceive that Great Britain, from her situation and resources, forms the only solid bulwark to oppose the overwhelming torrent of ambition.

We have reason to believe, that other members of our government are inspired with the same sentiments: and we trust, whatever, may be the issue, that they will produce in them a spirit of independence which will not brook insult from any quarter. *Ibid.*

WASHINGTON CITY Dec. 31.

We understand that the Executive have received authentic information, that the late suspension of the right of deposit at NEW ORLEANS was undertaken without orders from the Spanish Government, and that the measure had been immediately communicated to the Governor of Cuba, who has a superintending authority over Louisiana, as it doubtless was to the Spanish Government. It is certain also that the Governor at NEW ORLEANS, who has no authority over the officer from whom the suspension issued, objected to the measure. Under these circumstances and the interpositions of our own Government, it may be reasonably hoped, that the matter will be peaceably and early adjusted.

From the Washington Federalist.

COMMUNICATION.

GEOFFRY's LETTERS,
Postage paid, by the Rhode-Island Senator.

On the 25th of December, to which day the Senate stood adjourned, and were expected to meet, it appeared that Mr. Ellery one of the Senators from Rhode-Island, was not in his place, but had gone, as was said, to Port Tobacco, about thirty miles from the City of Washington, to spend the holidays with some of his friends. Mr. Rutledge had also been invited to pass a few days with an intimate and respectable acquaintance in the same quarter, and accepted the invitation. They were thus accidentally in the neighborhood of each other, at the distance of a day's ride from the district of Columbia.

On the evening of the 26th, the friend of Mr. Rutledge, at his particular request, called upon Mr Ellery at Doct. Brown's, and being shewn into a room, informed him, that Mr. Rutledge, conceiving the injuries received by him from Mr. Ellery too great to pass unnoticed, had determined to demand personal satisfaction, and that he should have done it, immediately on his arrival in Washington, had he not been restrained by his respect for the Senate of the United States—that, hearing that Mr. Ellery was at this place, which must be regarded as neutral ground, he had taken the earliest opportunity of making the demand. To this Mr. Ellery replied that he had a friend in the house, with whom he would advise, and thro' whom he would convey the answer he should make to Mr. Rutledge.

In a few minutes this friend appeared, who to prevent a repetition of what had been already communicated to his Principal, quickly said, that it was best to cut the matter short, for that Mr. Ellery determined not to meet Mr. Rutledge, in the manner proposed.

On the morning of the 27th, the friend of Mr. Rutledge, called at the house of Mr. Ellery's friend to have a further conversation with him, and requested that Mr. Ellery should be present. This last was not acceded to, but upon assurance given, that whatever he might communicate should be faithfully related to Mr. Ellery, he proceeded to say, that as Mr. Ellery's refusal of the preceeding evening to meet, and give Mr. R. the satisfaction required, was without any reasons assigned, they were left to conjecture what they might be—that the object of his call this morning was to induce Mr. Ellery to retract that refusal by removing every reasonable objection—That as Mr. Ellery wore spectacles, it was possible that he did not see distinctly at the usual distance; if so, they might be placed so near each other as to obviate that objection.—That possibly Mr. Ellery might wish first to settle his affairs; if so, a reasonable time should be allowed him for that purpose, & Mr. R. would meet him at any place except Rh. Island, which Mr. E. might point out. In short that Mr. Rutledge would agree to any thing Mr. Ellery would himself prescribe, provided they could be brought together on equal terms. That it would be proper further to make known to Mr. Ellery, that if he persisted in declining to give the sort of satisfaction which had been required, he would compel Mr. Rutledge to take it in some other manner, for it was not to be expected that the injuries and insults offered him by Mr. Ellery could be passed unnoticed, or give any other than a serious termination.

Upon this communication, the friend of Mr. Ellery retired to consult him, and upon his return said, that Mr. Ellery continued in the same opinion as yesterday—that he considered himself under the protection of the Senate; that when he had finished his visit, he should return to Washington, and consult his friends there, on the proper mode of bringing the business between him and Mr. Rutledge before Congress, which he thought the best tribunal to determine the matter, and where his character and that of Mr. R. would be justly estimated.

Early on the morning of the 28th, Mr. Rutledge, on his return to Washington, stopped at an inn in Piscataway, about sixteen miles from the capitol, called for a room and bespoke breakfast. In about fifteen minutes after, Mr. Ellery alighted from the stage and passed thro' Mr. Rutledge's room to an inner apartment. Mr Rutledge, after taking a dish of coffee, followed him and shut the door. They two were thus in the room alone, but in a short time the strokes of a cane, and Mr. Eller's cries drew the Landlord to the room, and several others, who entered with him. Mr. Rutledge immediately upon observing these witnesses of the chastisement he was inflicting, and meaning rather to disgrace than to cripple his adversary, seized him by the nose, and called out "See gentleman, thus I pull the fellow's nose" and afterwards, "Thus I switch the scoundrel's ears."* They were then separated by the intervention of the Landlord.

* During the rencountre, and after the persons came into the room, Mr. Ellery begged them to interfere—said he was a Senator of the United States—that the Capitol was attacked—that he was under the protection of the United States—under the protection of the state of Maryland—under the protection of the Landlord—and was surprised gentlemen could stand by without interfering.

FOR SALE,

A Handsome Curricle,

WITH Plated Harness; on which a credit of six months will be given. Apply to

TAYLOR & BROWN,
Auctioneers.

January 7, 1803.

Marine Insurance Company of Alexandria.

NOTICE is hereby given to the subscribers in the Marine Insurance Company of Alexandria, that an Election will be held at the Courthouse in the town of Alexandria, on Saturday the 15th day of January next, for the purpose of choosing Fifteen Directors of the said Company for the ensuing year.

By order of the President and Directors,
J. B. NICHOLLS, Sec'ry.

Alexandria, Dec. 29 1802. 3t

DISTRICT *of* RICHMOND.

ENTERED—

Sloop Nancy, Woglom,	New-York.	
Brig Mary, Hethington,	do.	
Sloop Maria, Rimmer,	do.	
Schooner Young Lyon, Seaman,	do.	
Sloop Little Jim, Ogden,	St. Croix.	
Schooner Caroline, Lewis,	Philadelphia.	

CLEARED—

Schooner Phœbe Ann, Cornick,	N. York,	
Schooner Republican, Oates	do.	
Sloop Nancy, Woglom,	do.	
Schooner Eliza Ann, Crawell,	do.	
Brig Arbuckle, Stewart,	Cork.	

On Thursday last the General Assembly elected Gen. *William Mayley* Treasurer of the state of Virginia, in the room of *William Berkeley, esq.*

☞ Should any of our city subscribers, through the negligence of the Carriers, be not regularly furnished with the Virginia Gazette, they are requested to give immediate information thereof, in order that we may "*correct the procedure.*"

BONDS due at the Custom-House in the month of January, payable

Per Sloop Little Jim, Jan. 1, 1803.
Ship Courtney, do. 17, do.
Ship Flora, do. 27, do.

J. GIBBON, *Collector.*

Richmond Mills.

THE subscriber hereby informs the public, that at length after much trouble and expence, he has nearly compleated one of his Mills on the James River Canal, in which there are two pair of Burr stones for manufacturing Wheat, and two pair of Cologne stones now ready to grind Corn.

That the inconveniences which might arise from delay and difference of measures may be avoided, CORN will be received only by weight, at fifty pounds to the bushel, and a supply of MEAL and HOMINY will always be kept ready to give in exchange at the rate of eighty-five pounds of Meal or ninety two pounds of Hominy for one hundred pounds of Corn.

After the loss of weight by cleaning and evaporation in grinding is deducted, the toll on Meal will be only about one tenth, and on Hominy one twentieth; it is therefore be much the interest of those who keep horses, to have all their Corn ground.

As the subscriber is now providing a Fan and Screen for the purpose of cleaning the corn effectually before it is ground, and as the Meal will be made from the best corn only, and none but such as is merchantable will be received; he hopes that general satisfaction will be given.

THOMAS RUTHERFOORD.

NOTICE.

THE subscribers hereby give notice that they are desirous to purchase Wheat, Corn, Flour barrels and Stav, and that they are now ready to contract to furnish Meal, Hominy, Ship Stuff and Bran, at certain prices for the year, and that for the present quarter ending the last of March, the prices will be for 50 lbs. of Meal 3/6d, and for 50 lbs. Hominy 3/3d.

They hereby solicit all those indebted to them, to make payment as fast as possible, as their situation does not enable them to grant such indulgence as heretofore.

They have also still on hand a large assortment of IRISH LINENS which they are anxious to dispose of.

Thos. Rutherfoord, & Co.

January 1, 1803.

FOR SALE,

That elegant and fertile Farm, called the

Wood's Farm,

FORMERLY the property of *Richard Randolph*, esq. of Curles, containing about 300 acres of first quality high land, and 200 acres of swamp land, of superior quality, from the land being much higher than swamp lands in general on James River. About 50 acres of this land is already reclaimed and is fit for meadow or corn, and the whole may be reclaimed at an inconsiderable expence, and made equal to any meadow or grazing land in America. This land is on James River, twelve miles above City Point. Any produce therefrom may be carried by water to Richmond, Petersburg or Norfolk with nearly the same ease. There was a considerable crop of Indian corn, oats and hay made on this farm last year, and may be purchased with the farm. There are 130 bushels of wheat sown thereon, which promises a fine crop. The purchaser may take immediate possession, or next fall.—For further particulars enquire at this Office.

TAYLOR & BROWN,
Auctioneers.

January 5, 1803.

GILLIAT & KIRBY,
HAVE JUST RECEIVED
By the late arrivals from London and Liverpool,
A general assortment of Fall and Winter
GOODS,
WHICH are now selling off, at their usual low price, for Cash or country Produce.
Richmond, Sept. 22, 1802.

ALL those having claims against the estate of Doctor Greenberry Belt, dec. are requested to make them known before the 1st day of February next; and all those who are indebted to the said estate, are requested to come forward and make immediate payment, as no further indulgence will be given by
SAM. MARSHALL, *Adm'r.*
Powhatan, C. H. Dec. 21, 1802. 4w

Port Wine.
A few pipes and quarter casks of genuine old
Port Wine,
Is this day landing, and will be sold on moderate terms, by
Robert Gamble.
Richmond, 2d Nov. 1802. [tf]

Bank of Alexandria.
NOTICE is hereby given to the Stockholders of the Bank of Alexandria, that an election will be held at the court house in this town, on the third Monday in January next, for the purpose of choosing nine Directors of the said Bank, for the ensuing year, agreeable to charter.
By order of the President and Directors,
GURGEN CHAPIN, Cashier.
Alexandria, December 15.

Negroes for Sale.
I will sell, at public auction, in the town of Fredericksburg, on Tuesday the 22d of February next, if fair, if not, the next fair day, between forty and fifty
Very likely Negroes;
YOUNG men, Boys, Young women, Girls and Children. Cash, upland Tobacco at the market cash price of that day, or approved negotiable bills on Alexandria, Norfolk, Baltimore, Philadelphia or New-York, at sixty days, will be received in payment.
Carter Beverley.
Elkwood, Culpeper county,
Dec. 20, 1802. tlF.

NOTICE
In the case of *Edward Broaddus*,
A Bankrupt.
WHEREAS a commission of bankruptcy, founded upon the act of the Congress of the United States, passed on the 4th day of April 1800, entitled, an act to establish an uniform system of of bankruptcy throughout the United States," hath been awarded and issued against *Edward Broaddus*, merchant, of the county of Albemarle, and he being declared a bankrupt, is hereby required to surrender himself to the commissioners in the said commission named, or a major part of them, on Saturday the 1st and on Wednesday the 5th days of January, 1803, and on Wednesday the 2d day of February ensuing, at the commissioners office in the city of Richmond, at 10 o'clock in the forenoon of each day, and make a full discovery and disclosure of his estate and effects; when and where the creditors are to come prepared to prove their debts—and at the second sitting to choose an assignee or assignees of the said bankrupt's estate and effects; and at the last sitting the said bankrupt is defired to finish his examination; and the creditors are to assent to or dissent from the allowance of his certificate. All persons indebted to the said bankrupt or that have any of his effects in their hands, are not to pay or deliver the same but to whom the commissioners shall appoint.
ROBERT BROOKE,
Secretary to the Commissioners.
Richmond, Dec. 20, 1802.

For London, direct,
The new substantial
SHIP
Monticello,

JOHN WILSON, master,—burthen seven hundred hogsheads of Tobacco, now lying at Broadway, and has three-fourths of her cargo engaged.—For freight of the remainder, or passage, apply to Messrs. *John Cunningham & Co.* of Richmond, or to
ROBERT MOORE.
Petersburg, Dec. 9, 1802.

NOTICE
In the case of *Hezekiah L. Wight* and *Benjamin Harris*,
BANKRUPTS.
THE commissioners named and authorised in and by a commission of bankruptcy, awarded and now in prosecution against Hezekiah L. Wight and Benjamin Harris, merchants of the city of Richmond, under the firm of Wight and Harris, intend to meet on Saturday the 22d day of January, 1803, at the commissioners' office in the city of Richmond, at 10 o'clock in the forenoon, in order to make a dividend of the estate and effects of the said bankrupt; when and where the creditors who have not already proved their debts under the said commission, are hereby required to come prepared to prove the same, or they will be excluded the benefit of the said dividend, and all claims not then proved will be disallowed.
ROBERT BROOKE,
Secretary to the Commissioners.
Richmond, Dec. 22, 1802.

FOR SALE,
From Six to Eight Hundred Acres
LAND,
BINDING on the waters of Spring Creek, in Prince Edward county, about ten miles above the courthouse—This Land is considered to be equal in quality to any in that part of the county, at least 30 acres of fine Meadow Land on it, and not more than one third of it cleared. As it is presumed that no one would become a purchaser without first viewing the premises, a further description of said land is deemed unnecessary. Any person disposed to purchase may see the land by applying to *William Lindsay*, living adjoining, and know the terms from him or *William Hitchman*, in Powhatan county, near the courthouse, or myself in Richmond.
RICHARD K. RANDOLPH.
November 5, 1802.

Shanks & MacRae,
In addition to a variety of Goods, well selected and adapted to the Fall and Winter Season,
HAVE received by the Re-Union, from Liverpool, and the Octavia, from London, the balance of their assortment, which will be sold wholesale or retail, on usual credits, and at moderate prices, to men of established punctuality.
Manchester, 19th October, 1802. tf.

Robert & Allan Pollok & Co.
ARE NOW OPENING
By the late arrivals from London and Liverpool, a general assortment of
DRY GOODS,
Suited to the present and approaching season, which they offer for sale on moderate terms. They also have for sale, best GREEN COFFEE, in bags or tierces.
Buchanan & Pollok,
OF PETERSBURG, AND
Robert Pollok & Co.
OF MANCHESTER,
Are also opening their supplies of Fall and Winter Goods.
Richmond, 28th Sept. 1802.

Robert Gamble
Respectfully informs his Friends and the Public, that he is receiving a supply of
Fall Goods,
Which he will sell low, by the Piece or Package.
Richmond, October 7, 1802.

Burr Millstones and Bolting Cloths.
THE subscriber having received a large supply of the best pieces of French Burr Stones, has recommenced the manufacture of Burr Millstones, on his patented improved plan, at the corner of Ninth and Market streets, Philadelphia, where his customers may now be supplied with those of the best quality, and to suit the different kinds of grain.
Also, BOLTING CLOTHS, of which he has a large and general assortment. Screws for raising Millstones, and Cast Iron Gudgeons, for cash or good draughts at short sight, accepted in Philadelphia, New-York, Baltimore, Washington, or Alexandria. Opportunities for shipping (at about 6 dollars a pair freight for) mill stones to either of the above mentioned ports, Richmond and Petersburg are frequent.
Bolting Cloths are kept for sale with Bohn & Slingluff, Baltimore, and Dean & Gardner, Alexandria.
Orders from a distance will be strictly attended to.
OLIVER EVANS.
Philadelphia Nov. 4, 1802. 12w3m

The Executors of the late Gen. George Washington,
Offer for sale the following Tracts of
LAND,
—viz—
A TRACT in Loudoun county on Difficult Run, containing 300 acres—The soil well adapted for farming and a considerable proportion of it might easily be improved into meadow. There is a valuable mill seat on the premises. It lies on the great road from the City of Washington, Alexandria and Georgetown to Leesburg and Winchester, 19 miles from Alexandria, less from the City and George Town, and not more than three from the Great Falls of the Potomac.
One Tract containing 2,481 acres, lying in the counties of Loudoun and Fauquier, called Ashby's Bent. The soil is that which is said to be most favorable to Plaster of Paris, well watered by several never failing streams issuing from the mountain. Part of this land is cleared and tenanted for lives.
One tract lying part in each of the above counties, containing 835 acres. Chatten's Run passes through this tract and gives several valuable mill-seats. The soil is similar to the above tract and equally favorable to Plaster of Paris.
A tract on the South Fork of Bullskin, containing 1600 acres—One also, Head of Evans's Mill, containing 453 acres, and one on Wormley's line, containing 183 acres. These several tracts are in Jefferson (late Berkeley) county—the soil very similar in quality, and particularly adapted to the culture of tobacco, hemp, wheat and Indian Corn, situated twelve miles from Harper's Ferry.
One tract containing 571 acres in Frederick county. This land is in the vicinity of the last mentioned tracts and equally valuable.
One tract in Hampshire county containing 240 acres. This tract, tho' small, is extremely valuable. It lies on Potomac River, about twelve miles above the town of Bath (or Warm Springs) and is in the shape of a horse-shoe, the river running almost round it—two hundred acres of it are rich low grounds, with a great abundance of the largest Walnut and other trees, which with the produce of the soil, might (by means of the improved navigation of the Potomac) be brought to a shipping port with more ease and at a smaller expence than that which is transported only 30 miles by land.
One third part of 1119 acres in Nansemond county near Suffolk, lying on the road from Suffolk to Norfolk and on Nansemond River. This land is considered extremely valuable by those who are acquainted with it.
One tract in Charles county, Maryland, containing 600 acres. It is very level and lies near the river Potomac.
One tract in Montgomery county, Maryland, containing 519 acres. This land lies about 30 miles above the City of Washington, not far from Kettoctan, and is good farming land.
One tract in Pennsylvania, containing 234 acres. This land affords an exceeding good stand on Braddock's road from Fort Cumberland to Pittsburg, and a large quantity of natural meadow fit for the scythe. It is distinguished by the appellation of the Great Meadows, where the first action with the French, in the year 1754, was fought.
One other tract on the Mohawk river, state of New-York, containing 1000 acres.
In North West Territory—Three tracts lying on Little Miami, containing 3051 acres.
In Kentucky—On Rough Creek, one tract containing 3000 acres—ditto adjoining, 2000 acres. Indisputable titles can be given for the above lands.
LOTS
IN THE CITY OF WASHINGTON.
Two improved lots near the Capitol, square 634. The improvements are, on each an elegant three story brick house.
Four other unimproved lots on the Eastern Branch, No. 5, 12, 13 and 14, in square 667. These lots are advantageously situated on the water.
ALEXANDRIA.
A few valuable lots in Alexandria, corner of Pitt and Princestreets, three or four of which are let on ground rent at 3 dollars per foot.
WINCHESTER.
One lot, in town, of half an acre, adjoining Doctor Mckay's, enclosed with a good post and rail fence, and another in the commons of about six acres.
BATH, OR WARM SPRINGS.
Two well situated lots, on one of them is a small building large enough to accommodate one family.
The terms of sale will be made known by application to either of the subscribers.
Samuel Washington, Culpeper county.
George S. Washington, Jefferson do.
William A. Washington, Westmoreland do.
George W. P. Custis, Mount Washington, Fairfax do.
Bushrod Washington, Mount Vernon, do.
Lawrence Lewis, Wood Lawn, do.
August 30. eptf.

Lunenburg County, November Court, 1802.
In CHANCERY.
John Bowman, William French, Andrew Buchanan, George Buchanan, James Hopkirk, Ronald Crawford, and John M'Kie, surviving partners of Alexander Spiers, John Bowman, George Crawford, Wm. French, Andrew Buchanan, Geo: Buchanan, Thos. Hopkirk, James Hopkirk, Ronald Crawford, John M'Kie, and Andrew Johnston, late merchants and partners, acting under the firm of Alexander Spiers, John Bowman, & Co. Complts,
Against
William Dowsing, and Abraham Maury, Ex'rs. of Abraham Maury, sen. dec. Defts.
THE defendants, neither of them, having entered their appearance, according to an act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this State, on the motion of the complainants, by their attorney, *It is ordered*, that they do appear here on the second Thursday in March next, it being court day, and answer the complainants bill; and that a copy of this order be inserted in one of the Virginia Gazettes, for eight weeks successively, and posted at the front door of the courthouse of this county.
A Copy
Teste,
John Taylor, D. C.

For Sale
ON Wednesday the 13th day of January next, if not upon the premises, in the town of Manchester, will be offered for sale, to the highest bidder, the following property, belonging to the Estate of Col. Bernard Markham, dec'd. viz:
One Tenement,
Upon the main street, adjoining the property of Mr. John Murchie and Mr. Thomas Goode, with its improvements, consisting of a large and commodious two story. House, Kitchen, Lumber-House &c. well calculated for a merchant or private family.—Also, a square of four
Half acre Lots,
Ditched in, upon the back-street leading to Manchester Warehouse, and adjoining the property of Mr. Archibald Campbell. For terms and particulars, apply to Mr. Archibald Freeland of Manchester, who is fully authorized by us to dispose of the same.
MARY MARKHAM, *Executrix.*
LEN'ÆUS BOLLING, *Executor.*
Chesterfield, Dec. 6, 1802. oawtdf
N. B. The above property is insured.

In Hanover County Court,
November 1st, 1802.
In Chancery.
Nathan Thomas, Charles Thomas, Mordecai Thomas, and Absalum Thomas, Pl'ts.
AGAINST
James Jones and John Jones, Def'ts.
THIS day came the plaintiffs by their counsel, and the defendants still failing to appear, it is thereupon decreed and ordered, that Charles Thompson, Edmund Thompson, John Brown, and Robert Honeyman, or any three of them, be appointed to make sale of the land in the bill mentioned, upon a credit of twelve months, taking seven bonds for the purchase money, five for one ninth part each, the other two for one twelfth part each, and that they deliver the first five to the plaintiffs respectively, and the other two to the defendants respectively, having first giving three weeks notice of the time, place and terms of such sale in some one of the newspapers published in the city of Richmond, and that they report thereof to the court in order to a final decree.
A copy—Teste, 1aw3w.p
THO. POLLARD, D. C. H. C.

At a court held for Cumberland County, on Monday the 25th day of October, 1802.
In chancery.
Christina Meredith, complainant,
Against
John Clarke, and William Clarke, administrator, &c. of William Clarke, dec'd. defendants.
THE defendant, John Clarke, not having entered his appearance, and given security according to the act of assembly and the rules of this court, and it appearing to the court that he is not an inhabitant of this state, on the motion of the complainant, by her counsel, *It is ordered*, that the said defendant, John Clarke, do appear here on the fourth Monday in February next, and answer the complainants bill; and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond, for two months successively, and posted at the front door of the courthouse of this county. A copy—Teste,
Wade N. Woodson, D. C. C. C.

A FEW COPIES OF
Hening's Justice,
May be had at this Office, and of Mr. Pumfrey, Book-Binder and Stationer.

Hat and Shoe Store:
THANKFUL for the liberal encouragement which he has experienced from the inhabitants of Richmond and Manchester, and the public in general, the subscriber respectfully informs them, that he has lately received, and now on hand, a good and general assortment of ENGLISH and NEW-YORK manufactured,
Hats & Shoes,
FOR SALE, at the first house below the Eagle Tavern, sign of the Cock'd Hat.
D. J. Burr.
Richmond, Dec. 6, 1802. tf

REMOVAL,
THE Subscriber takes this early opportunity of informing the public generally, that he has removed from the house heretofore occupied by him in cheapside, to the large commodious brick Lumber House, used by Mr. Thomas Taylor as a tenduc office for the last year. This house is entirely fire proof, being built of brick and covered with copper, where he intends to devote himself entirely to the brokerage and commission business. As he will be engaged in no other kind, he will be able to do that satisfaction to consignors, which they expect from an agent. His Lumber-House is admirably calculated for the Storeage of Tobacco, Flour, Wheat, or any other article subject to Storeage; which shall be done by him, at the customary rate of storeage in town.
ARMISTEAD ANDERSON.
October the 1st, 1802.

Lost or Mislaid,
BY the subscriber, living in Manchester, a *NOTE OF HAND*, executed by Col. Archibald Walthall of Chesterfield, to Mr. John Swann of Powhatan, for *ONE THOUSAND DOLLARS*, payable the first day of January next. A liberal reward will be given to any person who will deliver it to
David Patteson, *jr.*
Nov. 29, 1802. tf

Will certainly be Sold,
For cash, on the 25th day of January next, at Mr. Patrick Fowler's Tavern, in Hanover-Town,
30 likely Slaves,
CONSISTING of Men, Women and Children—the greater part of them young women and men. There are two valuable sawyers amongst them.
Mann Page.
Charles C. Page.
December 28, 1802.

A LIST of LETTERS
Remaining in the Post Office, Richmond, December 31st, 1802.
(A.) JOSEPH ANTHONY, Miss Judith Anderson, Captain John Archer, Capt. John Addison.
(B) John Baly, Tunstall Banks, Thomas M. Brown, John Knight Brown, Samuel Blyth, Benjamin Branham, Orran Byrd, Henry Brown, James Blakely, Jas. Bray, Smith Blakey, 2.
(C.) Richard Cairy, William Carter, Abraham owley, Amos B. Cole, George Carfon, David Cobbs, Wm. Cowan, John Coalter, John Chowning.
(D) John Decker, James Doswell, Charles Davidson, William Dandridge, Starke Depuey, Samuel Dabney, William Drew, James Davenport.
(E.) Captain Samuel Ellis, 2.
(F.) John Ferguson, Alexander Fraser, Captain Charles Fair, Miss Mary Farguharson.
(G) John Goodall, Reubin Goodwin, James M. Gilmer, Richard Gruhme, Roger Gregory.
(H.) Theodore Hart, James Hillyer, Henry Hughes, James Hackney, John Hosburg, James Harris, Mr. Harris, Samuel Henry, Eldridge Harris.
(I.) Michael L. Johnson, Capt. Edward Jones, Charles Jones, Alexander Jordan.
(K.) Charles Kessee, James Kennedy.
(L.) Catharine Leonard, Capt. Abijah Luce, John Lewis, Alexander S. Lyle, 2.
(M.) Dabney Minor, Ann Marton, Robert M'Dowel, Mr. Montgomery, James Marada, Mr. Mayne, 2; Samuel Miller, Capt. Samuel Maynard.
(N.) Thomas Nelson, The Hon. Wm. Nelson, 3.
(P) G. Purcell, Thomas Price, 2; N. W. Price, Gen. Robert Porterfield, Robert Priddy, 3; John Piemont, Samuel Primis, Capt. A. D. Pope, Elisha Pearman, Charles Purcell.
(R.) Mrs Ann Randolph, Henry Reid.
(S.) George W. Swiney, Robert Sherlock, Peter Smith.
(T.) John Taylor, 2; Peter Tinsley, 2; George Tebbs, Capt. Tice, Richard F. Taylor, Henry Thomas, Thomas Turner, Miles Todd, Anthony Tom.
(W.) James Wormley, Thomas Wash, 2; Col. Nathaniel Wilkinson, 2; Geo. Williamson, James Warrell, Isaac Williamson, William Woodward, Dabney Warton, Mark & Henry Woodcock.
MARKS VANDEWALL, P. M.